

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH AND SEPTEMBER 8, 2009
SUPERVISOR DON KNABE

The Station, Morris, and Rancho Palos Verdes Fires caused significant damage to facilities and roads throughout the County, primarily within the Angeles National Forest. On August 28, 2009, Governor Arnold Schwarzenegger declared that a State of Emergency exists within Los Angeles County, and the Chief Executive Officer of the County of Los Angeles proclaimed and declared a local emergency exists within the County. As its meeting on September 1, 2009, the Board of Supervisors ratified the Chief Executive Officer's declaration of a local emergency.

The devastation caused by these fires requires immediate emergency actions to repair damage caused to County roads, construct temporary flood control structures, and repair existing flood control debris basins, culverts, and other related infrastructure. The safety of the people of the County Los Angeles requires that the Department of Public Works (Public Works) take immediate emergency action in anticipation of the impacts that will be caused by winter rains to repair existing facilities and construct temporary structures. In addition, the roads and highways closed by the fires will require Public Works to make substantial repairs to allow them to be safely re-opened to local residents and commuters as quickly as possible.

WE, THEREFORE, RECOMMEND THAT THE BOARD OF SUPERVISORS:

1. Find that public interest and necessity demand immediate emergency action to repair and harden public infrastructure including public roads and flood control facilities, and find that these emergency actions cannot be delayed by a formal competitive solicitation for bids.
2. Authorize the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District and Road Commissioner, to carry out the following emergency activities:

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- a. Restore damaged flood control infrastructure, including the construction of temporary flood control facilities required as a result of the fires.
 - b. Repair road, including guardrail repair or replacement, sign restoration, striping and pavement markings, restoration, minor pavement and culvert repair, and hardening of County roads within the fire areas.
 - c. Trim or remove fire-damaged trees adjacent to County roads within the fire areas.
 - d. Delegated authority to supplement existing professional service contracts up to \$100,000 each to support Public Works' emergency recovery activities for geotechnical, design, inspection, and environmental services.
 - e. Authority to perform other infrastructure restoration work made necessary by the fires to insure public safety as determined by the Director of Public Works.
3. Find that the actions, projects, and repairs needed to respond to this emergency are statutorily exempt pursuant to Section 21080 (b) (2), (3), and (4) of the California Environmental Quality Act Guidelines.
4. Adopt the enclosed Resolution, pursuant to Sections 20395(e) and 22050 of the Public Contract Code, authorizing the Director of Public Works to negotiate and execute contracts on behalf of the County in an amount not to exceed a total of \$25 million to procure the necessary equipment, services, and supplies in order to restore access to residents and businesses and prevent and reduce potential flooding and damage due to mudflows.
5. Require the Director of Public Works to report back to the Board on a regular basis as required by Section 22050 of the Public Contract Code what actions have been taken and verify the need to continue these emergency actions.
6. Delegate authority to the Director of Public Works, on behalf of the Los Angeles County Flood Control District, to acquire the necessary rights of way and permits and enter into agreements with the cities within the fire areas, if necessary.

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7. Authorize the Director of Public Works, on behalf of the Los Angeles County Flood Control District, to submit grant applications to the Natural Resources Conservation Service, the Federal Emergency Management Agency, and the State Office of Emergency Services in order to secure Federal funds for emergency mudflow protection measures.
8. Delegate authority to the Director of Public Works, on behalf of the Los Angeles County Flood Control District, to conduct business with the Natural Resources Conservation Service, the Federal Emergency Management Agency, and the State Office of Emergency Services on any and all matters related to potential grant funds for the emergency actions and projects necessitated by the 2009 fires including negotiating and executing grant agreements and signing requests for reimbursement.
9. Approve an exception to the County's grant policy by authorizing the Director of Public Works to accept the grants from the Natural Resources Conservation Service, the Federal Emergency Management Agency, and the State Office of Emergency Services for these emergency actions and projects necessitated by the 2009 fires.
10. Require the Director of Public Works to provide written reports to the Board every two weeks concerning the status of all projects and the amount of funds expended.

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RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO PREPARE AND EXECUTE CONTRACTS FOR THE REPAIR OF LOS ANGELES COUNTY FLOOD CONTROL AND ROAD INFRASTRUCTURE FACILITIES, CONSTRUCTION OF TEMPORARY FLOOD CONTROL STRUCTURES, AND HARDENING OF CULVERTS AND OTHER FACILITIES AND PROPERTY IMPACTED BY THE 2009 FIRES AND TO EXECUTE CONTRACTS ON BEHALF OF THE COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

WHEREAS, the Morris, Rancho Palos Verde, and the Station Fires have burned the watersheds adjacent to several flood control facilities within the Angeles National Forest and within or adjacent to numerous foothill and beach communities; and

WHEREAS, as a result of these fires, damaging mudflows could occur as a result of winter rains; and

WHEREAS, the Board of Supervisors has declared that a local emergency exists; and

WHEREAS, construction of temporary structural barriers are necessary in order to minimize the risk of damage to existing facilities and adjacent properties; and

WHEREAS, modifications to existing debris inlets and hardening of existing culverts are necessary to minimize plugging and overtopping of facilities and roads adjacent to burned watersheds; and

WHEREAS, the public interest and necessity demand immediate action to repair damages and construct new structures in order to maintain services essential to the public health, safety, and welfare; and

WHEREAS, Section 22050 of the Public Contract Code allows the County of Los Angeles Board of Supervisors (Board), in the case of an emergency and acting on behalf of the Los Angeles County Flood Control District, to repair or replace a Flood Control facility; take any directly related and immediate action required by that emergency; and procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts; and

WHEREAS, Section 20395(e) of the Public Contract Code allows the Board to authorize the Road Commissioner to let contracts covering both work and material without advertising for bids when the estimated cost of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency exceeds Twenty-five thousand dollars (\$25,000) and the public interest and necessity demand immediate action to safeguard life, health, or property; and

Whereas, the clear and imminent danger will not permit a delay resulting from the competitive solicitation of bids for the services required to perform the necessary work.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles and the Los Angeles County Flood Control District that:

1. Immediate emergency work is necessary in order to repair damage caused by the unprecedented and devastating 2009 fires and in preparation for the coming storm season;
2. The Director of Public Works is hereby authorized to negotiate contracts, without advertising for bids, for the repair and construction of projects necessary to mitigate this emergency pursuant to Sections 20395(e) and 22050 of the Public Contract Code and prepare and execute these contracts in the form previously approved by County Counsel on behalf of the Los Angeles County Flood Control District and the County of Los Angeles.

The foregoing resolution was on the 8th day of September 2009, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By [Signature]
Deputy

APPROVED AS TO FORM

ROBERT E. KALUNIAN
County Counsel

By [Signature]
Deputy

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